

Order

Michigan Supreme Court
Lansing, Michigan

November 14, 2006

Clifford W. Taylor,
Chief Justice

ADM File No. 2006-35

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Proposed Amendment of
Rule 6.445 of the
Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 6.445 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at www.courts.michigan.gov/supremecourt.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated in underlining and deletions are indicated in strikeover.]

Rule 6.445 Probation Revocation

(A)–(E) [Unchanged.]

(F) Pleas of Guilty. The probationer may, at the arraignment or afterward, plead guilty to the violation. Before accepting a guilty plea, the court, speaking directly to the probationer and receiving the probationer's response, must

(1)–(2) [Unchanged.]

(3) ascertain that the plea is understandingly, voluntarily, and ~~knowingly~~
accurately made, and

(4) [Unchanged.]

(G)–(H)[Unchanged.]

Staff Comment: The November 14, 2006, proposed amendment of the rule would create uniformity between MCR 6.302, which deals with the requirements for pleas of guilty and nolo contendere to criminal offenses, and MCR 6.445, which deals with the requirements for pleas of guilty in probation revocations.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by March 1, 2007, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2006-35. Your comments and the comments of others will be posted at www.courts.mi.gov/supremecourt/resources/administrative/index.htm.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 14, 2006

Corbin R. Davis
Clerk